

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEAN-ROBERT CADET

CASE NO. C-1-01-131

Plaintiff

(Judge Herman J. Weber)

VS

MADEIRA CITY SCHOOL DISTRICT
BOARD OF EDUCATION

**DEFENDANTS' MOTION TO DEEM
PROPOSED FINDINGS OF FACT AS
ADMITTED BY PLAINTIFF**

MICHELE W. HUMMEL

CHRIS J. MATE

PAUL W. IMHOFF

Defendants

Defendants hereby move this Court for an order deeming the defendants' proposed findings of fact as admitted by plaintiff. This motion is supported by the attached memorandum and plaintiff's response to defendants' findings of fact and conclusions of law filed on October 4, 2002.

/s/ R. Gary Winters

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MEMORANDUM

Pursuant to Judge Weber's Scheduling Order of November 15, 2001 and subsequent Order of October 1, 2002, plaintiff responded to defendants proposed findings of fact and conclusions of law by highlighting which proposed findings of facts the plaintiff admitted were true. (Doc. No. 41) Those findings of fact highlighted in blue indicated that plaintiff admits that those statements are true while those highlighted in yellow indicated that plaintiff admits that those statements are true but contends that they are irrelevant or unimportant. For purposes of trial, defendants respectfully request that this Court order that all proposed findings of fact highlighted in blue or yellow be deemed as admitted as true by plaintiff while recognizing plaintiff reserves the right to argue that those highlighted in yellow might be irrelevant.

For this Court's ease, the paragraph numbers that were highlighted in blue, and therefore deemed admitted as true and relevant by plaintiff are Paragraph Nos. 1, 2, 4, 13, 15, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 42 and 49. The findings that were highlighted in yellow, were Paragraph Nos. 3, 5, 6, 7, 12, 14, 16, 17, 18, 19, 21, 24, 36, 37, 48 and 50.

Defendants respectfully request that all of these admissions by plaintiff be deemed stipulations and ask that plaintiff be bound by these factual admissions. Defendants reserve the right to challenge these admissions on other evidentiary

grounds and concede that they must be admissible on non-hearsay or other evidentiary grounds before they can be properly admitted at trial.

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of September, 2003, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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